

FBI agents now seeking third BART management official

By Bill Eaton
The Tribune

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Federal agents are looking for Helder Simas, 46, of Concord, manager of power and electrical maintenance support for the Bay Area Rapid Transit District.

He is the third member of BART management to become involved in an FBI investigation of alleged extortion by BART employees in the awarding of contracts.

FBI investigator Dave Knowlton said a complaint was filed against Simas yesterday in U.S.

District Court in San Francisco, charging him with soliciting or receiving bribes as an employee of a public agency that got more than \$10,000 in federal funds.

Simas was first named last week as a target of an undercover investigation when the FBI announced charges against two other BART managers, Arnold Flores and Frank Gomez.

Simas is on administrative leave from his job, according to BART spokesman Sy Moubert, who said Simas is paid more than \$67,000 a year at BART.

Tests ordered for manager in BART scandal

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By Gene Ayres
The Tribune

SAN FRANCISCO — Hilario "Frank" Gomez, one of three of BART's maintenance managers charged in a fraud and kickback scandal, will undergo an examination to determine whether he is mentally competent to stand trial.

U.S. Magistrate Steele Langford yesterday ordered the mental exam at the request of Gomez' attorney, Jerrold Ladar.

Langford set a hearing for Oct. 28 to receive a report on the test.

"Based on my communication with my client and his doctor's evaluation, we had a question whether he could cooperate in his own defense," Ladar said.

Additional charges filed

Meanwhile, additional charges were filed against another of the managers, contained in a six-count indictment returned against Helder Simas, 46, of Concord, formerly charged — as is Gomez — with a single count of taking one bribe in exchange for awarding a maintenance contract.

The new counts allege that Simas conspired with Gomez in soliciting a kickback in exchange for awarding a \$9,650 contract to James Murphy's Regal Building Maintenance firm, of Walnut Creek.

Earlier court papers had identified Murphy as the businessman who, ~~made~~ at being solicited, had notified and cooperated with the FBI's investigation in the case.

Simas took a \$2,000 bribe and also told Regal to bill BART for another \$1,200 in personal items for Simas, the count alleges.

Four other counts of mail fraud allege that Simas mailed BART checks to another FBI front company doing business with the transit agency to pay for personal items the firm had purchased for his personal use.

The checks were for \$2,500, \$1,037, \$382 and \$1,542, according to the indictment.

The counts against Simas carry penalties totaling 35 years in prison.

Gomez, 55, of Martinez, and Simas are two of the three BART managers charged with operating a contract kickback scheme after the FBI ended a three-year undercover sting investigation of BART maintenance contracting on Aug. 11.

The two have been placed on administrative leave from the transit agency.

The other accused manager, Arnold J. Flores, 45, of Richmond, has resigned.

Gomez remains charged with only one count but charges against Flores earlier had been widened to three counts of accepting at least 16 bribes and one count of income tax fraud. He has agreed to plead guilty to all four counts.

Gomez, who has been in and out of a hospital since the charges were filed, has yet to be arraigned on his single charge which carries a possible penalty of up to 20 years in prison.

In it, he is accused of soliciting and taking a \$2,000 bribe from one of the FBI's five front maintenance firms operating in the sting.

The three managers had authority to grant maintenance contracts under \$10,000 without competitive bidding.

Bribery suspect pleads innocent

The Tribune THE OCT 4 1988 M

SAN FRANCISCO — Former Bay Area Rapid Transit District manager Helder Simas of Concord pleaded innocent yesterday to bribery and mail fraud charges in federal court in San Francisco.

Simas, 46, faces a maximum sentence of 35 years in prison and \$1.5 million in fines if he is convicted on all six counts of an indictment handed down Friday by a federal grand jury.

Simas was BART's manager of power and electrical maintenance support. He is the first of three BART managers charged in a bribery scheme to be indicted for allegedly taking a \$2,000 bribe last year from an FBI un-

dercover agent representing a maintenance firm that was awarded a BART contract.

Simas earned more than \$67,000 working for BART. He is also charged with one count of conspiring with former BART manager Frank Gomez to solicit bribes from outside contractors, and is also charged with four counts of mail fraud.

His attorney, Walter Cannady of San Leandro, said after yesterday's hearing before U.S. Magistrate Frederick Woelflen that he and federal prosecutors are unable to work out a plea bargain and Simas' case is to go to trial Nov 29.

Simas was first named Aug. 11 as a possible target of an FBI undercover investigation.

Ex-BART boss accused of graft a 'company man,' court told

WED MAR 29 1989

By Michael Collier
The Tribune

SAN FRANCISCO — The only BART maintenance manager to be tried on graft and corruption charges was a "company man" who did not steal from the public agency, his lawyer told a federal jury yesterday.

Former BART manager Helder (Simas) 46, of Concord, "may have taken some shortcuts (in contracting procedures), but none of them involved theft or graft for his own personal gain," San Leandro attorney Walter Cannady said in U.S. District Court.

Simas, fired from his job last fall, is charged with conspiracy, accepting a \$2,000 bribe from an undercover FBI agent and using public funds to buy \$5,500 worth of computer equipment and other hardware found at his home.

Six other transit system managers and contractors have been charged with fraud in an extensive federal probe of the public agency.

Maintenance manager Arnold Flores was sentenced to five years in federal prison after pleading guilty to accepting \$16,000 in bribes and kickbacks, and janitorial manager Frank Gomez has been declared incompetent to stand trial.

Simas' trial is expected to take one to two weeks.

Assistant U.S. Attorney Ben Burch, in his opening remarks yesterday, detailed Simas' alleged criminal ties to Flores and Gomez from 1985 to 1988.

In January 1987 Simas accepted the bribe, in the presence of hidden FBI cameras and micro-

phones, from an undercover agent posing as a cleaning contractor, Burch alleged.

Simas told the agent the \$2,000 payoff would "make Frank (Gomez) happy," Burch said. Gomez was a personal friend of Simas.

Simas later arranged to have another undercover agent buy him portable heaters, nails and computer equipment and bill BART for the items, Burch alleged.

On one occasion, the prosecutor said, Simas met the agent at Berkeley's Whole Earth Access store, where items were pur-

chased and loaded directly into Simas' car.

Much of the equipment was found, some of it unused, at Simas' home when FBI agents served search warrants last August.

Simas' lawyer said his client is an unfortunate victim of "guilt by association" because of his friendly relationship with Gomez, who Cannady described as corrupt.

Simas has filed a wrongful termination claim against BART, Cannady said.

Ex-BART boss shocked as jury convicts him

THU APR 13 1989

Federal panel says he bribed, stole; could get 30 years, \$1 million in fines

By Michael Collier
The Tribune

SAN FRANCISCO — Former BART maintenance manager Helder Simas was convicted by a federal jury yesterday of bribery and using transit district funds to equip his home workshop.

Simas, 47, of Concord, one of three BART managers arrested last year in an FBI sting operation, faces a maximum of 30 years in prison and \$1.2 million in fines.

Simas, who denied any wrongdoing, seemed shaken by the verdict, saying: "I didn't expect this at all.

"This kind of thing had never happened to me before," Simas said. "I would have liked to have crawled into a hole and disappeared."

He admitted in testimony that he accepted \$2,000 from a BART janitorial contractor in January 1987, but thought the money was intended for Frank Gomez, another BART manager charged in the sting.

Instead, Simas kept the money and drove home, he said. Later

he gave the cash to Gomez, who has been declared incompetent to stand trial on graft charges.

Simas, filmed by undercover agents when he accepted the bribe, admitted on cross-examination that he reported three other bribe offers to a top manager — but not the \$2,000 payment he accepted.

U.S. Attorney Ben Burch also convinced the jury that Simas, an 18-year BART employee fired last year after his arrest, used his authority to buy a truck roof rack, shop tools and computer equipment at public expense.

Simas was convicted of receiving about \$2,000 worth of personal equipment from an undercover agent posing as a supplier, who billed the agency for the goods.

Burch said the conviction proved the effectiveness of the 3-year sting, which began when a conscientious Dublin contractor told FBI agents he had been asked by BART officials to pay bribes and kickbacks in ex-

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change for work.

Walter Cannady, Simas' attorney, tried to distance his client from Gomez and Arnold Flores, a BART maintenance manager sentenced to five years in prison earlier this year for his role in the scheme.

"Mr. Simas is guilty of no

crime except cutting corners to get the job done," Cannady told the jury. "Hopefully, that is not a sin in this society."

Simas testified that he kept the equipment at his home because tools at the BART shop were often stolen and unavailable during late-night train emergencies he sometimes was summoned to.

But Burch said items such as a portable heater and a blade sharpener in a fancy wooden case were found at Simas' home, where he used them in his own shop.

Simas used the truck rack once to haul a load of lumber to his Lake Tahoe cabin, according to evidence at trial.